



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
RICHARD BREUNINGER, et al,
:
:
Plaintiffs, :
:
:

- against -

T. EDWARD WILLIAMS, et al,
:
:
Defendants. :
:
:
-----X

20-CV-7033 (JPC) (RWL)

ORDER

ROBERT W. LEHRBURGER, United States Magistrate Judge.

On December 21, 2023, Plaintiffs filed a motion to dismiss Defendants' counterclaims. (Dkt. 231.) That motion was fully briefed as of January 12, 2024. (Dkt. 239.) On March 19, 2024, Defendants filed a "notice" expressing their intent to supplement, pursuant to Fed. R. Civ. P. 15(d), their counterclaims based on depositions taken on March 12 and 13, 2024, and that they would do so "as soon as possible." (Dkt. 254.) Defendants have made no such motion. Discovery in this case closes on April 22, 2024. (Dkt. 253.)

If Defendants still intend to file a motion to supplement, they shall do so by April 17, 2024. Before filing any such motion, Defendants must first meet and confer with Plaintiffs to determine whether Plaintiffs consent to filing of the intended supplement. So that the meet and confer process will be productive, Defendants must provide a copy of their intended supplement to Plaintiffs by April 10, 2024. If Plaintiffs consent to the proposed supplement, then by April 23, 2024, Plaintiffs shall notify the Court whether Plaintiffs will (1) withdraw their pending motion to dismiss counterclaims; (2) stand on

their pending motion to dismiss counterclaims; or (3) seek to amend their motion to dismiss counterclaims in light of Defendants' supplemental pleading.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. Lehrburger', with a long horizontal stroke extending to the right.

ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: April 4, 2024
New York, New York

Copies transmitted this date to all counsel of record.